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| 10/721,514 | 11/24/2003 | Tad Dannis Brockway | MSI-1786US | 5324 |
| 22801 | 7590 | 07/12/2007 | | |
| LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201 | | | EXAMINER NEURAUTER, GEORGE C | |
| | | | ART UNIT 2143 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---|--|--|
| Office Action Summary | Application No. 10/721,514 | Applicant(s) BROCKWAY ET AL. | |
| | Examiner George C. Neurauter, Jr. | Art Unit 2143 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:3/29/05,10/17/05,7/19/06,10/30/06.

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DETAILED ACTION

Claims 1-23 are currently presented and have been examined.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 29 March and 17 October 2005 and 19 July and 30 October 2006 were filed before the instant first action on the merits. The submissions are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Claim Objections

Claims 1, 7, 14, and 20 are objected to because of the following informalities:

These claims recite "facilitating, by the Web service, remote client computer discovery over the public network of information, the information corresponding to..." In order to avoid clarity issues under 35 USC 112, 2nd paragraph, it is suggested by the Examiner that this limitation read "facilitating, by the Web service, remote client computer discovery of information over the public network, wherein the information corresponds to..."

Appropriate correction is required.

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Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-13 are rejected under 35 U.S.C. 101 because claims 7-13 recites computer-executable instructions encoded in a computer readable medium or media. In one of the embodiments of such computer readable media, the specification discloses that "By way of example, and not limitation, computer readable media may comprise computer storage media and communication media." and "Communication media typically embodies computer readable instructions, data structures, program modules or other data in a modulated data signal such as a carrier wave or other transport mechanism and includes any information delivery media. The term "modulated data signal" means a signal that has one or more of its characteristics set or changed in such a manner as to encode information in the signal. By way of example, and not limitation, communication media includes wired media such as a wired network or direct-wired connection, and wireless media such as acoustic, RF, infrared and other wireless media. Combinations of the any of the above should also be included within the scope of computer readable media". (see pages 22 and 23 of the specification)

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Signals used as computer readable media are not currently considered to be statutory subject matter since a signal encoded with functional descriptive material does not fall under any of the four statutory classes. See ANNEX IV "Computer-Related Nonstatutory Subject Matter", section (c) "Electro-Magnetic Signals" of the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", released 22 November 2005 in the Official Gazette ("Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101...These interim guidelines propose that such signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101.")

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-3, 8-9, 15-16, and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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These claims recite "wherein the at least one application is multiple applications". It is unclear how one application may be more than one application.

35 USC 112, 6th paragraph Interpretation

The Examiner notes that claims 20-23 recite limitations that are presumed to invoke 35 USC 112, 6th paragraph. If the Applicant wishes such interpretation to be given to the claims, the Applicant must show for the record why the claim language properly invokes 35 USC 112, 6th paragraph and identify the function and corresponding structure. The Applicant must also amend the claims, if necessary, to meet the requirements of the 3-prong analysis as prescribed in MPEP 2181. The Examiner also suggests that the Applicant amend the specification, if necessary, to explicitly state what structure corresponds to the recited function with reference to the claimed terms and phrases, provided no new matter is introduced. See 37 CFR 1.75(d) and MPEP 2181.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the

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invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2003/0182392 A1 to Kramer.

Regarding claim 1, Kramer disclosed a method comprising:
providing a Web service (associated with a "web server") in an Intranet (alternatively referred to in Kramer as a "LAN"), the Web service being coupled to a public network ("Internet"); and facilitating, by the Web service, remote client computer discovery over the public network of information ("service information"), the information corresponding to at least one application deployed on the Intranet, the application being configured for subsequent terminal server (TS) based access for a user of the remote client computer, the remote computer being external to the Intranet (on the Internet). (see at least paragraphs 0003, 0005, 0007, and 0032-0034) (particularly see paragraphs 0026-0029)

Claims 7, 14, and 20 are also rejected since these claims recite substantially the same limitations as recited in claim 1.

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Regarding claims 2 and 3, Kramer disclosed a method as recited in claim 1, wherein the at least one application is multiple applications, respective ones of the multiple applications having been published by multiple information sources on the Intranet, the multiple information sources comprising a directory service, a Systems Management Server (SMS), and/or an office computer associated with the user. (see at least paragraphs 0005 and 0032)

Claims 8-9, 15-16, and 21-22 are also rejected since these claims recite substantially the same limitations as recited in claims 2 and 3 respectively.

Regarding claim 4, Kramer disclosed a method as recited in claim 1, wherein the remote client computer is not coupled to the Internet over a Virtual Private Network. (paragraphs 0007 and 0028, particularly "The client 105 typically accesses the web service through a programming interface")

Claims 10 and 17 are also rejected since these claims recite substantially the same limitations as recited in claim 4.

Regarding claim 5, Kramer disclosed a method as recited in claim 1, wherein facilitating further comprises:

receiving, by the Web service, a remote application discovery request from the remote client computer, the remote application discovery request comprising identity information of

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the user, the remote application discovery request being communicated to the Web service across the public network; (see at least paragraphs 0007, 0015, 0026-0027, and 0043-0044)

responsive to receiving the remote application discovery request, communicating, by the Web service, a get applications request to one or more information sources deployed on the Intranet, the get applications request directing each of the one or more information sources to return the information as a function of the identity information (see paragraph 0027, specifically "client device type" or "user" "specific"); responsive to the communicating, receiving the information; and forwarding the information to the remote client computer for aggregated presentation of user interface objects associated with respective ones of remotely deployed applications that have been configured for subsequent TS-based access by the user. (see at least paragraphs 0026-0027 and 0043-0045)

Claims 11, 18, and 23 are also rejected since these claims recite substantially the same limitations as recited in claim 5.

Regarding claim 6, Kramer disclosed a method as recited in claim 5, wherein the at least one application is installed on an office computer associated with the user, and wherein communicating the get applications request further comprises:

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sending a get network address request to a directory service ("web service directory") deployed on the Intranet; responsive to sending the get network address request, receiving a response identifying a network address of the office computer ("service access point" or "SAP"); and wherein the get applications request is communicated to the network address of the office computer. (see at least paragraphs 0027, 0029, and 0043-0045)

Claim 13 is also rejected since this claim recites substantially the same limitations as recited in claim 6.

Regarding claim 12, Kramer disclosed a computer-readable medium as recited in claim 11, wherein the instructions for communicating the get applications request to one or more information sources are implemented across respective ones of one or more accessor modules, each accessor module being configured to communicate with a particular one information source of the information sources. (see at least paragraphs 0026-0027 and 0032)

Claim 19 is also rejected since this claim recites substantially the same limitations as recited in claim 12.

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Conclusion

It is noted that the column, line, and/or page number citations used in the prior art references as applied by the Examiner to the claimed invention are for the convenience of the Applicant to represent the relevant teachings of the prior art. The prior art references may contain further teachings and/or suggestions that may further distinguish the citations applied to the claims, therefore, the Applicant should consider the entirety of these prior art references during the process of responding to this Office Action. It is further noted that any alternative and nonpreferred embodiments as taught and/or suggested within the prior art references also constitute prior art and the prior art references may be relied upon for all the teachings would have reasonably suggested to one of ordinary skill in the art. See MPEP 2123.

The prior art listed in the PTO-892 form included with this Office Action disclose methods, systems, and apparatus similar to those claimed and recited in the specification. The Examiner has cited these references to evidence the level and/or knowledge of one of ordinary skill in the art at the time the invention was made, to provide support for universal facts and the technical reasoning for the rejections made in this Office Action including the Examiner's broadest reasonable

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interpretation of the claims as required by MPEP 2111 and to evidence the plain meaning of any terms not defined in the specification that are interpreted by the Examiner in accordance with MPEP 2111.01. The Applicant should consider these cited references when preparing a response to this Office Action.

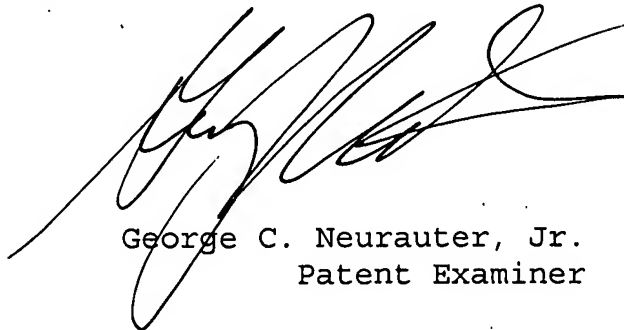
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is 571-272-3918. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or
access to the automated information system, call 800-786-9199
(IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'G. Neurauter, Jr.', is written over the printed name and title.

George C. Neurauter, Jr.
Patent Examiner